

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

C Change Surgical LLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:06CV785-TDS-
vs.	)	WWD
	)	
Medical Solutions, Inc.,	)	
	)	
Defendant.	)	

CONSENT MOTION FOR EXTENSION OF TIME

Plaintiff C Change Surgical LLC (“C Change”), with the consent of Defendant Medical Solutions, Inc. (“MSI”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and L.R. 6.1, moves the Court for a ten (10) day extension of time in which to petition the Court for a continuation of the stay. In support of this Consent Motion, Plaintiff shows the Court that:

1. In its Order dated August 21, 2009 (Dkt. No. 45), the Court granted C Change’s Renewed Motion to Stay and directed C Change to notify the Court when the United States Patent and Trademark Office (“USPTO”) issued its First Office Action in the *ex parte* reexaminations of the patents in suit. The Court’s Order further indicated that, absent application by C Change to extend the stay pending reexamination, the stay would automatically expire ten (10) calendar days after the First Office Action.

2. The USPTO issued its First Office Action for each of the patents in suit in the reexamination proceedings on November 19, 2009.

3. C Change received the First Office Actions from the USPTO on November 23, 2009. Accordingly, C Change's deadline to apply for an extension of the current stay is November 30, 2009.

4. In light of the intervening Thanksgiving holiday, C Change requires additional time to review the Office Actions, to determine whether it believes a stay is still necessary in this action and to determine whether C Change will apply to the court for a further stay.

5. This Motion is made in good faith and not for the purpose of delay.

6. MSI consents to C Change's request for a limited extension of time.

WHEREFORE, C Change respectfully requests an extension of ten (10) days through and including December 10, 2009, in which to file its application with the Court to continue the stay. C Change further requests that the stay not expire during this ten day period.

This the 25<sup>th</sup> day of November, 2009

/s/ Tonya R. Deem  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Status Report was served upon:

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This 25th day of November 2009 by electronic service.

/s/ Tonya R. Deem  
Tonya R. Deem  
*Attorney for Plaintiff*